

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kyle Jerome Dalen,

Case No. 23-cv-1877 (ECT/ECW)

Plaintiff,

v.

ORDER

Jodi Harpstead, Commissioner of
the Minnesota Department of
Human Services, in her individual
and official capacities,

Defendant.

This matter is before the Court on the parties' Joint Motion Regarding Continued Sealing (Dkt. 41) pursuant to Local Rule 5.6(d) concerning documents filed under seal, Docket Entries 32 and 34, in connection with the Defendant's opposition to Plaintiff's Motion for Preliminary Injunction.

With respect to Docket Entries 32 and 34, consisting of Defendant's Memorandum of Law Opposing Plaintiff's Motion for Preliminary Injunction and the Declaration of Kyleeann Stevens, M.D., the parties agree to the continued sealing of this docket entry, in light of the redacted versions of the documents publicly available, based on claims that they contain information that is subject to protection from disclosure under the Minnesota Government Data Protection Act, Minnesota Statute Section 13.46. While any protection afforded by state statute informs the Court's analysis on continued sealing, it is not binding on this Court. *See generally, Scheffler v. Molin*, No. CIV. 11-3279 (JNE/JJK), 2012 WL 3292894, at *4 (D. Minn. Aug. 10, 2012).

Based on this Court's review of the redacted information, the early stages of this litigation, and the fact that U.S. District Judge Eric C. Tostrud denied the Motion for Preliminary Injunction primarily based on his decision to dismiss the action without prejudice for failure to state a claim (*see* Dkt. 42 at 2), the Court finds that the need to maintain the information regarding the treatment of Plaintiff and others in the above entries under seal outweighs the public's right of access. *See* LR D. Minn. 5.6(d) *advisory committee's note*; *see also* *IDT Corp. v. eBay*, 709 F.3d 1220, 1224 (8th Cir. 2013). The Court emphasizes that this decision is not determinative as to whether this information will remain sealed in the future to the extent that the information is considered by the Court with respect to future dispositive motions.

ORDER

Based on the motion and the documents filed under seal, as well as all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. The parties' Joint Motion Regarding Continued Sealing (Dkt. 41) is **GRANTED**;
2. Docket Entries 32 and 34 will remain **SEALED**; and
3. Docket Entry 32-1¹ will be **UNSEALED** in accordance with the Local Rules.

¹ The Court notes that Docket Entry 32-1, a word count certificate filed under seal, has also been publicly filed. (*See* Dkt. 33-1.)

DATED: January 24, 2024

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge